

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

PUERTO RICO FARM CREDIT, ACA
Plaintiff

v.

ANTONIO MORALES PADILLA, et als.
Defendants

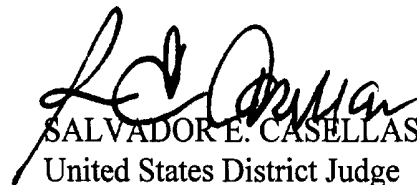
Civil No. 98-1445(SEC)
Foreclosure of Mortgage

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

MOTION	RULING
Docket #11 Plaintiff's Motion for Entry of Default and Judgment by Default	Moot. (See Docket #12, Partial Judgment)
Docket #13 Defendants' Motion to Reconsider Partial Judgment and to Set Aside Entry of Default	Denied. The Court finds that plaintiff complied with the prescribed process of summons and service by publication upon both defendants Antonio Morales Padilla and Carmen Camacho Falcon, pursuant to Rules 4.5 and 4.7 of the Puerto Rico Rules of Civil Procedure. (Dockets # 4, 5). Furthermore, the fact that defendants were divorced and that Ms. Camacho Falcon was in the Continental United States during these legal proceedings does not vitiate plaintiff's service by publication. The fact that Ms. Camacho Falcon encountered difficulties in securing counsel prior to the entry of judgment by default fails to sway the Court to vacate the judgment. See <u>In re Ortiz</u> , 200 B.R. 485, 488 ("A civil plaintiff has no right to appointed counsel. Plaintiff has a right to counsel, if he can procure one, and a trial court may not prevent the appearance of such counsel. However, the trial judge is not required to wait any particular period of time while a party attempts to procure one.") (Citing <u>Anderson v. Sheppard</u> , 856 F.2d 741, 752 (6th Cir. 1988)). We believe the same reasoning applies to defendant Ms. Camacho Falcon in the present case.
Docket #14 Defendants' Motion Correcting Motion to Reconsider Partial Judgment and to Set Aside Entry of Default	Granted.

DATE: September 16, 1999


SALVADOR E. CASELLAS
United States District Judge

(21)
PT